

FIFTY-FOURTH DAY

(Monday, April 21, 1947)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Lane
Brown	Moffett
Bullock	Morris
Carney	Parrish
Cousins	Phillips
Crawford	Proffer
Hardeman	Ramsey
Harris	Stanford
Hazlewood	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	York
Knight	

A quorum was announced present.

Reverend J. E. Chester, Chaplain, offered the invocation.

On motion of Senator Hazlewood, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, April 17, 1947, was dispensed with and the Journal approved.

Leaves of Absence Granted

Senator Weinert was granted leave of absence for today and the remainder of the week on account of illness on motion of Senator Ramsey.

Senator Winfield was granted leave of absence for today on account of important business on motion of Senator Hardeman.

Senator Chadick was granted leave of absence for today on account of important business on motion of Senator Carney.

Senator Vick was granted leave of absence for today on account of important business on motion of Senator Aikin.

Reports of Standing Committees

Senator Taylor submitted the following reports:

Austin, Texas,
April 21, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred Senate

Bill No. 396, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed.

TAYLOR, Chairman.

Austin, Texas,
April 21, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred Senate Bill No. 381, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed.

TAYLOR, Chairman.

Austin, Texas,
April 21, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred Senate Bill No. 393, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed.

TAYLOR, Chairman.

Senate Bill 399 on First Reading

Senator Phillips moved that the rules adopted pursuant to Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—25

Aikin	Lane
Brown	Moffett
Bullock	Morris
Carney	Parrish
Cousins	Phillips
Crawford	Proffer
Hardeman	Ramsey
Harris	Stanford
Hazlewood	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	York
Knight	

Absent-Excused

Chadick	Weinert
Mauritz	Winfield
Vick	

The following bill then was introduced, read first time and referred to the Committee on Education.

S. B. No. 399, A bill to be entitled "An Act amending Article II, Section 2 of Senate Bill 38, Acts of the Forty-ninth Legislature."

Senate Resolution 85

(Presentation of Christoval High School Class)

Senator Hardeman offered the following resolution:

Whereas, The Senior Class of the Christoval High School, Christoval, Texas, together with its sponsor, Mr. B. F. Kirk, are visitors in the City of Austin, and

Whereas, Said group is present in the Senate Gallery as guests of the Senate, and it is the desire of the Senate to recognize their presence; now, therefore, be it

Resolved, By the Senate, that its appreciation be expressed to said class and its best wishes be extended to them, and that a copy of this resolution, under the seal of the Senate, be forwarded to the Senior Class, Christoval High School, Christoval, Texas.

The resolution was read and was adopted.

House Concurrent Resolution 85

On motion of Senator Moffett, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

H. C. R. No. 85, Relative to A. and M. College Muster Day.

The resolution was read and was adopted.

Senate Bill 400 on First Reading

Senator Kelley of Hidalgo moved that the rules adopted pursuant to Section 5 of Article III of the State Constitution be suspended to permit his introducing at this time a bill, the provisions of which he explained.

The motion prevailed by the following vote:

Yeas—25

Aikin	Lane
Brown	Moffett
Bullock	Morris
Carney	Parrish
Cousins	Phillips

Crawford	Proffer
Hardeman	Ramsey
Harris	Stanford
Hazlewood	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	York
Knight	

Absent-Excused

Chadick	Weinert
Mauritz	Winfield
Vick	

The following bill then was introduced, read first time and referred to the Committee on Federal Relations.

By Senators Kelley of Hidalgo, Phillips and Moffett:

S. B. No. 400, A bill to be entitled "An Act declaring the sovereignty of Texas along its gulfward seacoast; fixing its present gulfward seacoast boundary and ownership; amending Section 1 of Senate Bill No. 30, Chapter 286 of the 47th Legislature; and declaring an emergency."

Senate Bill 322 on Second Reading

On motion of Senator Jones, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

S. B. No. 322, A bill to be entitled "An Act creating parks near Lake Texoma in Grayson County and near Fredericksburg in Gillespie County, to be called "Nimitz-Eisenhower Parks"; authorizing the State Parks Board to accept gifts of lands and gifts for constructing, building and advertising and other purposes; authorizing the State Parks Board to administer the affairs of said Parks; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 322 on Third Reading

Senator Jones moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 322 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Bullock
Brown	Carney

Cousins	Morris
Crawford	Parrish
Hardeman	Phillips
Harris	Proffer
Hazlewood	Ramsey
Jones	Stanford
Kelley of Hidalgo	Strauss
Kelly of Tarrant	Taylor
Knight	Tynan
Lane	York
Moffett	

Absent-Excused

Chadick	Weinert
Mauritz	Winfield
Vick	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

**Motion to Place Senate Bill 1 on
Second Reading**

Senator Kelley of Hidalgo moved to suspend the regular order of business to take up Senate Bill No. 1 for consideration at this time.

The motion was lost by the following vote:

Yeas—9

Bullock	Phillips
Hardeman	Stanford
Jones	Taylor
Kelley of Hidalgo	Tynan
Parrish	

Nays—14

Aikin	Knight
Brown	Moffett
Carney	Morris
Cousins	Proffer
Crawford	Ramsey
Harris	Strauss
Kelly of Tarrant	York

Absent

Hazlewood

Absent-Excused

Mauritz	Weinert
Vick	Winfield

Paired

Senator Lane (present), who would vote "yea" with Senator Chadick (absent), who would vote "nay".

Senate Bill 336 on Second Reading

The President laid before the Senate as a special order for this hour, on its second reading and passage to engrossment:

S. B. No. 336, A bill to be entitled "An Act relating to the construction, acquisition and operation of automotive parking stations by cities and towns of not less than 150,000 population, (herein called 'Eligible Cities') and providing for the financing thereof; providing that Eligible Cities may own and operate or own and lease to others for operation, such parking stations; authorizing such cities to issue negotiable revenue bonds to be secured by pledge of net revenues from operation of parking stations and within the discretion of any such cities by a deed of trust on such parking stations with operating franchise to purchaser thereunder; requiring as a condition precedent to the issuance of such bonds an election substantially in accordance with the provisions of Title 22, Chapter 1 of the Revised Civil Statutes of 1925, as amended; authorizing the issuance of refunding bonds without an election; requiring approval of bonds by Attorney General in the manner and with the effect provided in Articles 709 to 715, both inclusive, Revised Civil Statutes; creating a lien upon unexpended proceeds of bonds; authorizing banks and trust companies to act as depositories for proceeds of bonds and for revenues from operating or leasing parking stations, and to secure such funds; authorizing recital in bonds of compliance with this Act and prescribing effect thereof; exempting bonds from certain taxes; conferring right of eminent domain; authorizing creation of Boards of Trustees to manage and control such parking stations; validating certain actions and proceedings heretofore taken by Eligible Cities in connection with the construction of such parking stations; containing a severability provision; enacting other provisions relating to this subject; and declaring an emergency."

The bill was read second time.

(Senator Aikin in the Chair.)

Senator Kelly of Tarrant offered the following committee amendments to the bill:

(1)

Amend Senate Bill 336 in Section 4, subsection (j) in the 7th line of the typewritten Bill by correcting the word "custory" so as to be and read "custody".

(2)

Amend Senate Bill 336 in Section 5, line 4 of the typewritten Bill by inserting the word "and" between the words "management" and "control".

(3)

Amend Senate Bill 336 in Section 9, in the third line of the typewritten Bill by correcting the words "situations, circumstances", to be and read "situation, circumstance".

(4)

Amend Section No. 2 of Senate Bill No. 336 by striking out the last sentence of said Section No. 2 of Senate Bill No. 336 and inserting in lieu thereof the following:

"The right of the city to own, maintain, operate, and cause to be operated such facilities and to fix and collect fees and tolls for the use of such facilities is hereby declared to be a municipal and public right and use and such right and facility to constitute a public benefit and utility, provided that this declaration shall not be construed to authorize or permit any such city to fix fees and tolls that may be charged by private persons, firms, or corporations engaged in the operation of similar facilities."

(5)

Amend Section No. 5 of Senate Bill 336 by striking out the second sentence of said Section No. 5 and substitute in lieu thereof the following:

"The Compensation of the members of such Board of Trustees shall be fixed by such ordinance or indenture but shall never exceed \$50.00 each for any one month."

(6)

Amend Senate Bill No. 336 by striking out Section No. 7 of such bill in its entirety and inserting in lieu thereof the following:

"Sec. No. 7. Any such city or Board of Trustees is hereby authorized to

use for such purpose property owned by the city and to acquire property for such purpose."

(7)

Amend the caption of Senate Bill No. 336 to conform with the body of the bill by striking out the words "conferring right of eminent domain".

The committee amendments were severally adopted.

Senator Parrish offered the following amendment to the bill:

Amending Section 2 of S. B. No. 336 by striking therefrom the following sentence: "The right of the City to own, maintain, operate and cause to be operated such facilities and to fix and collect fees and tolls for the use of such facilities, is hereby declared to be a public right and use and such right and facilities to constitute a public benefit and utility".

Senator Kelly of Tarrant moved to table the amendment.

Yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—13

Aikin	Morris
Carney	Phillips
Harris	Proffer
Hazlewood	Ramsey
Jones	Strauss
Kelley of Hidalgo	Tynan
Kelly of Tarrant	

Nays—11

Brown	Moffett
Bullock	Parrish
Crawford	Stanford
Hardeman	Taylor
Knight	York
Lane	

Absent

Cousins

Absent-Excused

Chadick	Weinert
Mauritz	Winfield
Vick	

Senator Lane offered the following amendment to the bill:

Amending Section 7, to read as fol-

lows: "Any such city or Board of Trustees is hereby authorized to use for such purpose property owned by the city and to acquire property, real or personal, in any manner in which properties may be acquired by any person or private corporation."

The amendment was adopted.

The bill was passed to engrossment.

Senate Bill 336 on Third Reading

Senator Kelly of Tarrant moved that the constitutional rule requiring bills to be read on three several days be suspended and that Senate Bill No. 336 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—19

Aikin	Lane
Bullock	Moffett
Carney	Morris
Crawford	Parrish
Harris	Phillips
Hazlewood	Proffer
Jones	Ramsey
Kelley of Hidalgo	Strauss
Kelly of Tarrant	Tynan
Knight	

Nays—3

Hardeman	Taylor
Stanford	

Absent

Cousins	York
Brown	

Absent-Excused

Chadick	Weinert
Mauritz	Winfield
Vick	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—19

Aikin	Jones
Bullock	Kelley of Hidalgo
Carney	Kelly of Tarrant
Cousins	Knight
Crawford	Moffett
Harris	Parrish
Hazlewood	Phillips

Proffer
Ramsey
Strauss

Tynan
York

Nays—6

Brown
Hardeman
Lane

Morris
Stanford
Taylor

Absent-Excused

Chadick
Mauritz
Vick

Weinert
Winfield

(President in the Chair.)

Message from the House

Hall of the House of Representatives,

Austin, Texas,
April 21, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bills and resolution:

H. B. No. 780, A bill to be entitled "An Act authorizing certain educational institutions heretofore created under Chapter 26, Acts of the Forty-ninth Legislature, Regular Session, 1945, to enter into and carry out certain agreements with any state university for Negroes established in this state; etc., and declaring an emergency."

H. B. No. 75, A bill to be entitled "An Act to amend Article 1434, Chapter 8, Title 17 of the Penal Code of Texas, 1925, as amended by Chapter 77, Acts of the First Called Session of the 40th Legislature, as amended by Chapter 29, Section 1, Acts of the Forty-second Legislature, Regular Session, 1931, to provide for the delivery to a transferee at the time of delivery of a second-hand or used vehicle a properly assigned Certificate of Title or other evidence of title as required under the provisions of Article 1436-1 of the Penal Code of the State of Texas and to enact a new Article to be known as Article 1435, Penal Code of Texas, to provide for filing for transfer of registration and certificate of title within a designated period of time; providing fees therefor; providing a penalty for fail-

ure to file; providing for disposition of fees collected; providing for liability of Tax Collector and his bondsmen for failure to collect penalty; providing for transfer of title as provided under Article 1436-1, Penal Code of the State of Texas and for transfer of registration; authorizing the Department to promulgate rules and regulations; providing for execution in full of all vehicle transfer papers at the time of transfer of vehicle and providing a penalty for failure to do so; providing a penalty for transferee accepting transfer papers executed wholly or partly in blank; providing a penalty for violation of section; providing a saving clause, repealing all laws in conflict herewith; and declaring an emergency."

H. B. No. 155, A bill to be entitled "An Act repealing Article 4860a-20, Sections 1 to 26, both inclusive, of the Revised Civil Statutes of Texas, Acts 1937, 45th Leg., P. 184, Ch. 99, and providing that such repeal shall not apply to any company or association now doing business under such article and declaring an emergency."

H. B. No. 310, A bill to be entitled "An Act creating two additional District Courts in Harris County, Texas, to be known as the 128th and 129th District Courts; adjusting the business of the existing District Courts to the business thereof; providing for the appointment of District Judges therefor; amending so much of Article 199, of the Revised Civil Statutes of Texas, as relates to the District Courts of Harris County, Texas, as amended by Acts 1927, Fortieth Legislature, page 135, Chapter 88, Section 1, and by Acts 1930, Forty-first Legislature, Fifth Called Session, page 131, Chapter 14, and by Acts 1939, Forty-sixth Legislature, Regular Session, page 184, Chapter 15; making an appropriation to pay the salaries of said Judges; repealing all laws in conflict herewith to the extent of such conflict only; and declaring an emergency."

H. B. No. 326, A bill to be entitled "An Act providing workmen's compensation insurance for certain employees of the institutions and agencies under the direction or government of the Board of Directors of the Agricultural and Mechanical College of Texas; authorizing the said Board of Directors to require other em-

ployees to acquire protection under a group insurance plan; authorizing the said institutions and agencies to be self-insuring; providing that the institutions and agencies shall administer this Act; prescribing the powers and duties of the Industrial Accident Board and of the institutions and agencies; adopting by reference certain Legislative Acts relating to workmen's compensation insurance; providing the Industrial Accident Board and the institutions and agencies may require the examination of applicants for compensation; providing for time of filing notice of injury and of claim for compensation; providing for appeals from rulings of the Industrial Accident Board; providing that the institutions and agencies shall keep permanent records and make reports to the Industrial Accident Board of injuries sustained by employees; providing for physical examination of employees and persons to be employed; providing funds for the payment of all costs, administrative expense, charges, benefits, and awards authorized by this law; providing for reports to the Governor and to the Legislature; prescribing duties of clerks of courts in compensation cases under this law; prescribing penalty for failure to perform such duties; declaring the provisions of this Act to be severable; suspending all laws or parts of laws in conflict herewith to the extent of such conflict; and declaring an emergency."

H. B. No. 375, A bill to be entitled "An Act amending Article 2700, Revised Civil Statutes of Texas, 1925, as amended by House Bill No. 328, Acts of the Forty-eighth Legislature, Regular Session, 1943, as further amended by House Bill No. 292, Acts of the Forty-ninth Legislature, Regular Session; pertaining to the salaries of elective County Superintendents and to office and traveling expenses; providing for salaries of County Superintendents in Counties having less than eight thousand and one (8,001) scholastic population under certain conditions; providing for assistants to the County Superintendents; providing for the employment of assistants to the County Superintendents in counties having a population of more than one hundred thousand (100,000) according to the last Federal census; providing for super-

visors and their compensation; providing for the manner of payment of county administration expense; providing for budgets for the purpose; providing for administration of the Act; repealing all General Laws in conflict herewith except such General Laws as provide for a part of the office expense to be paid out of the general revenue of the county; and declaring an emergency."

H. B. No. 406, A bill to be entitled "An Act authorizing the Board of Trustees of any independent School District, whether created by General or Special Law, to appoint one or more assessors and collectors of taxes and Boards of equalization for different portions of such district, providing that such officials may be those mentioned in Articles 2791 and 2792, Revised Civil Statutes of Texas, providing that all taxes shall be equal and uniformly assessed, that this Act shall be cumulative of and in addition to all other laws; and declaring an emergency."

H. B. No. 413, A bill to be entitled "An Act to amend Article 5796, Revised Civil Statutes of Texas, and declaring an emergency."

H. B. No. 415, A bill to be entitled "An Act to amend Article 5787, Revised Civil Statutes of Texas, 1925; and declaring an emergency."

H. B. No. 416, A bill to be entitled "An Act providing for leaves of absences without loss of pay, time, or efficiency rating of all officers and employees of the State of Texas, any county, or political subdivision thereof, including municipalities, who are members of the National Guard of Texas or of the National Guard Reserve of Texas or of the Organized Reserves of the United States Army or of the Naval Reserves of the Navy of the United States or of the Officers' Reserve Corps, providing that the limitation as to the number of days allowed shall not apply to members of the Legislature; and declaring an emergency."

H. B. No. 465, A bill to be entitled "An Act amending Article 8306, Section 12c, Revised Civil Statutes of Texas of 1925; and declaring an emergency."

H. B. No. 531, A bill to be entitled "An Act to exempt students of Cor-

sicana State Home and Waco State Home who have completed a course of studies sufficient to meet the entrance requirements of educational institutions of higher learning from the payment of tuition and entrance fees; providing that the Board of Control shall certify such students to the school of their respective choice and declaring an emergency."

H. B. No. 551, A bill to be entitled "An Act to amend House Bill No. 56, Chapter 191, page 351, 47th Legislature, so that Section 3 thereof shall hereafter read as herein provided."

H. B. No. 564, A bill to be entitled "An Act amending Article 5115, Revised Civil Statutes of 1925, requiring Commissioners' Courts to provide suitable jails in their respective counties; defining the term "suitable jails"; providing that this Act shall apply to all jails hereafter constructed and to existing jails one year from its effective date; and declaring an emergency."

H. B. No. 579, A bill to be entitled "An Act to amend the Harris County Road Law, Acts 1913, 33rd Legislature Special Laws, Page 64, Chapter 17, as amended by Senate Bill 12, 35th Legislature 1917, Special Laws, Chapter 1, House Bill 180, Special Laws, 36th Legislature 1919, Senate Bill 81, Special Laws, 39th Legislature 1925, Chapter 82, and Senate Bill 245, Special Laws, 40th Legislature 1927, to provide for more adequate supervision of roads, for the giving of bond by County Commissioners as Road Supervisors, for the taking of bids and proposals and fixing the length of time for advertisement for bids, requiring Officers to conform to such Laws, providing for the making of certain reports and accountings by the County Auditor, authorizing and regulating the granting of easements across or along roads by the Commissioners Court, authorizing and regulating the making of certain agreements for the construction of tunnels on County roads and the financing thereof, validating agreements heretofore made; and declaring an emergency."

H. B. No. 581, A bill to be entitled "An Act to provide for an election in Flood Control Districts in all counties where the boundaries of such Districts are coincident with the bound-

aries of the county in which the District lies for the purpose of submitting to the resident, qualified voters in such District who own taxable property therein which has been duly rendered for taxation, the question of whether or not a tax shall be levied for the purpose of paying the principal and interest on bonds of said District, and for maintenance and operation of the improvements therein, providing that the total tax in any one year shall not exceed thirty (30) cents on the one hundred dollars valuation of all taxable property within said District, authorizing the issuance of refunding and other bonds by such Districts, prescribing the method and manner of the issuance of bonds; and declaring an emergency."

H. B. No. 590, A bill to be entitled "An Act authorizing the formation of Corporations for the purpose of engaging in the business of fighting fires and blowouts in oil wells, and gas wells, and oil and gas wells, and authorizing corporations organized under or having a permit to do business in Texas under Subdivision 36 or 37 or 38 of Article 1302, or Chapter 15 of Title 32 of the Revised Civil Statutes of the State of Texas to subscribe for and own stock in such Corporations; and declaring an emergency."

H. B. No. 607, A bill to be entitled "An Act making it unlawful to carry on, or over, or into the waters of Caddo Lake, its adjoining lakes and tributaries in Harrison and Marion Counties, Texas, any seine or net, except a cast net used for catching bait, or hoop nets, set nets and trammel nets, having meshes three and one-half inches square and over, or a minnow net not exceeding twenty feet in length, or to carry by vehicle or any other way, any seine or net, except a cast net used for catching bait, or hoop nets, set nets and trammel nets, having meshes three and one-half inches square and over, or a minnow net or seine not exceeding twenty feet in length, to any point or place within one mile of such lake, lakes or tributaries within Harrison and Marion Counties, Texas, or to have in possession, within one mile of any such lake or its tributaries within Harrison and Marion Counties, Texas, and setting the

penalty and providing for the mode of proof."

H. B. No. 612, A bill to be entitled "An Act to authorize banks and trust companies to remain open on holidays, and to designate certain additional holidays upon which such banks and trust companies may remain closed; providing the effect thereof; and declaring an emergency."

H. B. No. 613, A bill to be entitled "An Act providing that the Commissioners' Court of certain counties may fix the salary of the County Tax Assessor-Collector of such counties; and declaring an emergency."

H. B. No. 618, A bill to be entitled "An Act authorizing the City Commission of all home rule cities in this State having a population of more than thirty-one thousand (31,000) inhabitants and not more than thirty-two thousand, five hundred (32,500) inhabitants, according to the last preceding Federal Census, an easement on and over all public highways and country roads in the county in which such cities are situated, for the purpose of constructing, laying and maintaining water pipe lines, which constitute a part of the water supply system operated by such cities; and declaring an emergency."

H. B. No. 623, A bill to be entitled "An Act making appropriation of One Hundred Thousand Dollars (\$100,000) to be expended for the purpose of providing a permanent berth for the Battleship 'Texas,' etc., and declaring an emergency."

H. B. No. 640, A bill to be entitled "An Act amending Article 8154, Revised Civil Statutes of Texas, authorizing the Commissioners of Drainage Districts to supervise and control the construction and maintenance of canals, drains, ditches and other improvements, including the rights of way of highways and public roads within such Drainage Districts; repealing all laws and parts of laws in conflict; and declaring an emergency."

H. B. No. 654, A bill to be entitled "An Act amending Acts 1941, 47th Legislature, page 784, Chapter 487, providing for the compensation of grand jury bailiffs in counties having a population of not less than two hundred fifty thousand (250,000) in-

habitants and not more than five hundred thousand (500,000) inhabitants according to the last preceding or any future Federal census; repealing all laws or parts of laws in conflict herewith to the extent of such conflict only; and declaring an emergency."

H. B. No. 674, A bill to be entitled "An Act to amend Article 666, General and Special Laws of Texas, 48th Legislature, Regular Session of 1943; to provide for a method of selling, disposing or transferring of State property which has become unfit for use, or no longer needed; providing a notice of sale; providing for disposition of monies received from sale; and providing for a final report covering sale and disposition; and declaring an emergency."

H. B. No. 677, A bill to be entitled "An Act transferring the control and management of the property owned by the State of Texas located on the west side of Red River Street between East Nineteenth and Eighteenth Streets, being the East One-half (1/2) of Outlot No. Sixty-three (63) consisting of Lots Eight (8), Nine (9), Ten (10), Eleven (11), Twelve (12), Thirteen (13) and Fourteen (14) of Division 'E' of the City of Austin, Travis County, Texas, from the State Board of Control to the Board of Regents of the University of Texas; providing that such property shall be used for the purposes and activities of The University of Texas; and declaring an emergency."

H. B. No. 683, A bill to be entitled "An Act authorizing the appointment by the District Attorney, or County Attorney in a County where the said County Attorney prosecutes crimes of the grade of felony in the District Courts, of assistants and a stenographer in Judicial Districts composed of one or more Counties, and in which the population in any one of said Counties, as determined by the last preceding Federal census is not less than seventy thousand (70,000) and not more than eighty-five thousand (85,000) inhabitants, and in which said County the tax value exceeds Thirty-five Million (\$35,000,000.00) Dollars according to the last approved tax roll, and in which County there are two (2) or more District Courts; fixing the compensation of said assistants and the

stenographer and providing for the manner in which same shall be paid; and declaring an emergency."

H. B. No. 688, A bill to be entitled "An Act to amend Subsections D and E of Section 1, Acts 1941, 47th Legislature, page 196, Chapter 142, to authorize Commissioners' Courts to lease or sell airports to any person, firm or corporation; and declaring an emergency."

H. B. No. 702, A bill to be entitled "An Act permitting certain fiduciaries to establish common trust funds and to invest trust funds therein; providing for court accountings with regard to such funds and dispensing with the necessity thereof in certain circumstances; providing for interpretation of the Act to make uniform the law for the states; specifying a short title; providing for severability of the provisions of the Act; repealing all laws inconsistent therewith; and specifying the time for taking effect of the Act and the fiduciary relationship to which it shall apply."

H. B. No. 724, A bill to be entitled "An Act amending an Act of the 48th Legislature, 1943, page 619, Chapter 358, creating municipal pension system in all cities in this State having a population of three hundred and eighty-four thousand or more, according to any preceding or future Federal census; and declaring an emergency."

H. B. No. 770, A bill to be entitled "An Act amending Acts, 1943, 48th Legislature, Chapter 67, page 86, Section 2 by providing that said Act shall not apply to employment agencies engaged solely in the procurement of public school teachers and administrators; and declaring an emergency."

H. B. No. 778, A bill to be entitled "An Act enabling home rule cities having a population of more than thirty-one thousand (31,000) inhabitants and not more than thirty-two thousand five hundred (32,500) inhabitants according to the 1940 Federal census, to establish two corporation courts; providing such courts shall have the usual jurisdiction now given to corporation courts by the General Laws of the State of Texas; enabling the governing body of such cities to prescribe the qualifications of the recorder of said courts; pro-

viding that cases may be transferred from one court to another; and declaring an emergency."

H. B. No. 781, A bill to be entitled "An Act fixing the compensation for Justices of the Peace in certain counties; repealing all laws in conflict; and declaring an emergency."

H. B. No. 782, A bill to be entitled "An Act to amend Article 6954, Revised Civil Statutes, 1925, as amended, the last amendment being Acts, 1943, 48th Legislature, page 393, Chapter 265, by adding Angelina County to the list of counties named therein so as to permit certain counties by an election of the freeholders thereof to have a stock law in such counties, or in subdivisions thereof; and declaring an emergency."

H. B. No. 794, A bill to be entitled "An Act validating proceedings heretofore taken by cities in Texas for the authorization of refunding bonds under specified conditions, validating the bonds to be issued pursuant to such proceedings, providing for the issuance and payment for such bonds; and declaring an emergency."

H. B. No. 792, A bill to be entitled "An Act creating a special road law for Haskell County, Texas, providing that said County may fund or refund the indebtedness outstanding against its road and bridge fund as of January 1, 1947, setting forth the method of operation; validating the indebtedness proposed to be funded or refunded; validating all acts and proceedings heretofore had by the Commissioners Court of said County, and officers thereof, in respect to the funding or refunding of said indebtedness; providing this law shall be cumulative of General Laws on the subjects of roads and bridges and General Laws on funding or refunding bonds, not in conflict herewith; enacting provisions incident and relating to the subject and purpose of this Act; repealing all laws in conflict; and declaring an emergency."

H. B. No. 806, A bill to be entitled "An Act amending Acts 1935, Forty-fourth Legislature, page 401, Chapter 156, Section 1, authorizing the Commissioners' Court in certain counties to furnish the juvenile officer an automobile and to make allowances for expenses of such officer and his assistants as the Court may think

proper; and declaring an emergency."

H. B. No. 295, A bill to be entitled "An Act providing for a more efficient public school system in Texas; providing for the equalization of funds; making an appropriation of Twenty-four Million Dollars (\$24,000,000.00) for each year of the biennium ending August 31, 1949; allocating the funds so appropriated; providing for the administration thereof by the State Superintendent of Public Instruction, the Legislative Accountant, the Department of Education, the Director of Equalization; and declaring an emergency."

H. B. No. 438, A bill to be entitled "An Act fixing the compensation of Justice of the Peace, in any county where the main unit of the Texas Prison System is located, repealing all laws in conflict herewith; and declaring an emergency."

H. B. No. 472, A bill to be entitled "An Act authorizing Commissioners Courts of certain Counties to allow Sam Houston State Teachers College to act as depository of certain historical documents and permitting the librarian and archivist of said College to give certified copies thereof; and declaring an emergency."

H. B. No. 574, A bill to be entitled "An Act authorizing the sale of certain land belonging to the Rusk State Hospital to the Texas State Railroad; granting the Texas State Railroad full authority to lease or dispose of the same; providing for an easement across the property; reserving all mineral interests to the State of Texas; and declaring an emergency."

H. B. No. 681, A bill to be entitled "An Act fixing the compensation of certain county officials in counties with a population of not less than 300,000, nor more than 500,000 inhabitants, according to the last preceding or any future Federal census; providing for a fifteen (15%) per cent increase in salaries of the employees, deputies and assistants of said county officials, based on March, 1945 pay roll; providing for two assistants to the County Treasurer at stated salaries, and to be appointed by him; providing that the salaries of employees, deputies and assistants of the named officials may not be decreased; providing the method and manner by which said officers and

employees shall be compensated; repealing Sec. 1 of Chapter 81, Acts of the 45th Legislature, Regular Session, page 151 (1937) and all other laws in conflict herewith; and declaring an emergency."

H. B. No. 747, A bill to be entitled "An Act to provide for election and terms of Trustees of County, Joint County and Union Junior College Districts; and declaring an emergency."

H. B. No. 788, A bill to be entitled "An Act to validate the organization and creation of all school districts, including any independent school district controlled by a municipality and including common school districts, all county line school districts, including county line common school districts, county line independent school districts, county line consolidated common school districts, county line consolidated high school districts, and all other school districts, whether created by general or special law, or by vote of the people residing in any such district, or by the governing bodies of any such municipalities, or by county boards of trustees; providing this Act shall not validate the organization or creation of any district, or consolidation or annexation of any district in or to such district where the same is now involved in litigation or where suit or litigation is filed with reference thereto within forty-five (45) days after the effective date of this Act; validating the acts of said municipal governing bodies, county boards of trustees, and boards of trustees of such districts; etc., and declaring an emergency."

S. C. R. No. 16, Granting permission to Robert B. Kelly to bring suit against the State of Texas.

S. B. No. 171, A bill to be entitled "An Act amending Article 6246a, Title 109, Vernon's Revised Civil Statutes of 1925, Acts 1933, 43rd Legislature, First Called Session, page 4, Chapter 4, Section 6; as amended by Acts of 1935, Chapter 387, page 1565, Section 6, passed by the First Called Session of the 44th Legislature, being House Bill No. 122, 44th Legislature; as amended by Acts 1936, 44th Legislature, Third Called Session, Chapter 510, page 2109, Section 1; as amended by Acts of 1945, 49th Legislature, page 62, Chapter 43, Sec-

tion 1; to provide that members of the Fire Department, Police Department and the Fire Alarm Operating Department of a city or town coming under the provisions of this Act, and who have been in the Armed Service of the United States during World War II, shall be entitled upon complying with the requirements of this Act to share the benefits of the Firemen and Policemen's Funds and all other benefits provided by the Policemen and Firemen's Pension Fund; providing a savings clause; and declaring an emergency."

S. B. No. 303, A bill to be entitled "An Act providing that the Commissioners Court in certain counties shall fix compensation for the deputies, assistants and employees in all county and district offices except the district attorney; and repealing all laws in conflict herewith, as applied to counties within the provisions of this Act; and declaring an emergency."

Respectfully submitted,

CLARENCE JONES,

Chief Clerk, House of Representatives.

Senate Bill 269 on Second Reading

On motion of Senator Ramsey, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

S. B. No. 269, A bill to be entitled "An Act amending the anti-trust laws of the State of Texas by amending Article 1634 of the Penal Code of the State of Texas by adding subdivision 3 to provide that among other acts constituting a conspiracy in restraint of trade where any two or more persons, firms, corporations, or associations of persons shall agree to boycott, or enter into any agreement or understanding to refuse to transport, deliver, erect, assemble, use or work with any goods, wares, merchandise, article or product of any other person, firm, corporation or association of persons; by amending Article 1644 of the Penal Code so as to provide that the foregoing Article (1943) shall not be held to apply to any combination or combinations, or to any act by any member of such trades union or other organization or association or any other person, or to an agreement between two or more persons, formed or taken for the purpose of limiting the production, transportation, use, or consumption of labor's

products; and declaring an emergency."

The bill was read second time.

Senator Ramsey offered the following amendment to the bill:

Amend Senate Bill No. 269 by striking out all above the enacting clause and inserting in lieu thereof the following:

"S. B. No. 269

A Bill
To Be Entitled

An Act amending the anti-trust laws of the State of Texas by amending Article 1634 of the Penal Code of the State of Texas by adding subdivision 3 to provide that among other acts constituting a conspiracy in restraint of trade are those where any two or more persons, firms, corporations or associations of persons shall agree to boycott, or enter into any agreement or understanding to refuse to transport, deliver, receive, accept, erect, assemble, operate, use or work with any goods, wares, merchandise, articles or products of any other person, firm, corporation or association of persons; providing that the foregoing provisions shall not be applicable to an agreement by employees to terminate their employment or to refuse to transport, deliver, receive, accept, erect, assemble, operate, use or work with the goods, wares, merchandise, articles or products of their immediate employer unless such refusal is intended or calculated to induce, or shall have the effect of inducing such employer to refrain from purchasing or from otherwise acquiring goods, wares, merchandise, articles or products from any person, firm, corporation or association of persons; and amending Article 1644 of the Penal Code of the State of Texas to provide that the foregoing Article (Article 1643) shall not be held to apply to any combination or combinations, or to any act by any member of a trades union or other organization or association or to any other person, or to an agreement between two or more persons, formed or taken for the purpose of limiting the production, transportation, use or consumption of labor's products or which creates a 'Trust' or a 'Conspiracy in Restraint of Trade'; and declaring an emergency."

The amendment was adopted.

Senator Ramsey offered the following committee amendment to the bill:

Amend Senate Bill No. 269 by striking out all below the enacting clause and inserting in lieu thereof the following:

"Section 1. That Article 1634 of the Penal Code of the State of Texas be and the same is hereby amended to hereafter read as follows:

'Art. 1634. Conspiracy in restraint of trade.

'Either or any of the following acts shall constitute a conspiracy in restraint of trade:

'1. Where any two or more persons, firms, corporations or associations of persons, who are engaged in buying or selling any article of merchandise, produce or any commodity, enter into an agreement or understanding to refuse to buy from or sell to any other person, firm, corporation or association of persons, any article of merchandise, produce or commodity.

'2. Where any two or more persons, firms, corporations or associations of persons, shall agree to boycott or threaten to refuse to buy from or sell to any person, firm, corporation, or association of persons for buying from or selling to any other person, firm, corporation or association of persons.

'3. Where any two or more persons, firms, corporations or associations of persons shall agree to boycott, or enter into any agreement or understanding to refuse to transport, deliver, receive, accept, erect, assemble, use or work with any goods, wares, merchandise, article or product of any other person, firm, corporation or association of persons; provided, however, that this subdivision shall not apply to an agreement between employees to terminate their employment, or to refuse to transport, deliver, receive, accept, erect, assemble, use or work with the goods, wares, merchandise, article or product of their immediate employer.'

"Sec. 2. That Article 1644 of the Penal Code of the State of Texas be and the same is hereby amended to hereafter read as follows:

'Article 1644. Not to apply to combination, etc.

'The foregoing article shall not be held to apply to any combination or combinations, or to any act by any member of such trades union or other organization or association, or any other person, or to an agreement between two or more persons, formed or taken for the purpose of limiting the production, transportation, use or consumption of labor's products, or which creates a "Trust" or "Conspiracy in Restraint of Trade," as in this Chapter defined. Nothing herein contained shall be held to interfere with the terms and conditions of private contract with regard to the time of service, or other stipulations between employers and employees. Nothing herein shall be construed to repeal, affect or diminish the force and effect of any statute now existing on the subject of trusts, conspiracies against trade, pools and monopolies.'

"Sec. 3. The fact that trades unions, labor unions and other organizations, persons, and associations of persons have formed 'Trusts' and 'Conspiracies in Restraint of Trade' and thereby have used economic power to restrain free trade and commerce, contrary to the intent and purposes of the anti-trust laws of the State of Texas, while claiming exemption from the provisions of such laws, making it necessary that such statutes be amended to as to clearly prohibit all trusts and conspiracies in restraint of trade, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days be suspended, and it is hereby suspended, and this Act shall be in force and shall take effect from and after its passage, and it is so enacted."

Senator Ramsey offered the following amendment to the committee amendment:

Amend Senate Bill No. 269 by striking out subdivision 3, Section 1, and inserting in lieu thereof the following subdivision 3:

"3. Where any two or more persons, firms, corporations or associations of persons shall agree to boycott, or enter into any agreement or understanding to refuse to transport, deliver, receive, accept, erect, assemble, operate, use or work with any goods, wares, merchandise, articles or products of

any other person, firm, corporation or association of persons; provided, however, that this subdivision of this Article shall not be construed to apply to an agreement between employees to terminate their employment, or to refuse to transport, deliver, receive, accept, erect, assemble, operate, use or work with goods, wares, merchandise, articles or products of their immediate employer unless such refusal is intended or calculated to induce, or shall have the effect of inducing, such employer to refrain from purchasing or from otherwise acquiring goods, wares, merchandise, articles or products from any person, firm, corporation or association of persons."

The amendment to the committee amendment was adopted.

The committee amendment, as amended, was then adopted.

Senator Lane offered the following amendment to the bill:

Amend Senate Bill No. 269 by striking out all below the enacting clause and inserting in lieu thereof the following:

"Section 1. That Article 1634 of the Penal Code of the State of Texas be and the same is hereby amended to hereafter read as follows:

"Art. 1634. Conspiracy in restraint of trade.

"Either or any of the following acts shall constitute a conspiracy in restraint of trade:

"1. Where any two or more, persons, firms, corporations or associations of persons, who are engaged in buying or selling any article of merchandise, produce or any commodity, enter into an agreement or understanding to refuse to buy from or sell to any other person, firm, corporation or association of persons, any articles of merchandise, produce or commodity.

"2. Where any two or more persons, firms, corporations or associations of persons, shall agree to boycott or threaten to refuse to buy from or sell to any person, firm, corporation or association of persons for buying from or selling to any other person, firm, corporation or association of persons.

"3. Where any two or more persons, firms, corporations or associations of persons shall agree to boycott, or enter into any agreement or understanding to refuse to transport, deliver, receive, accept, erect, assemble, use or work with any goods, wares, merchandise, article or product of any other person, firm, corporation or association of persons; provided, however, that this subdivision shall not apply to an agreement between employees to terminate their employment or to refuse to transport, deliver, receive, accept, erect, assemble, use or work with the goods, wares, merchandise, article or product of their employer or the employer's parent, subsidiary or associate company.

"4. Company, when used in this Act, unless the context otherwise requires, shall mean any person, partnership, corporation, association, joint stock company, business, trust, organized group of persons (whether incorporated or not), receiver, trustee, or other liquidating agent of any of the foregoing in his capacity as such.

"5. Parent Company, when used in this Act, shall mean any company, as defined in 4 above, which directly or indirectly owns, controls, or holds the power to vote or otherwise determine or influence policy of more than Fifty Per Cent (50%) of the outstanding voting securities or other voting ownership of the employer.

"6. Subsidiary Company, when used in this Act, unless the context otherwise requires, shall mean any company, more than Fifty Per Cent (50%) of the outstanding voting securities or other voting ownership of which are directly or indirectly owned, controlled, or held with power to vote or otherwise determine policy by such employer.

"7. Associate Company, when used in this Act, unless the context otherwise requires, shall mean any company in the same holding company system with any other company where more than Fifty Per Cent (50%) of the stock of both or all companies is directly owned, controlled, or held with power to vote or otherwise determine policy by the holding company."

"Section 2. That Article 1644 of the Penal Code of the State of Texas

be and the same is hereby amended to hereafter read as follows:

"Article 1644. Not to apply to combination, etc.

"The foregoing article shall not be held to apply to any combination or combinations, or to any act by any member of such trades union or other organization or association, or any other person, or to an agreement between two or more persons, formed or taken for the purpose of limiting the production, transportation, use or consumption of labor's products, or which creates a "Trust" or "Conspiracy in Restraint of Trade," as in this Chapter defined. Nothing herein contained shall be held to interfere with the terms and conditions of private contract with regard to the time of service, or other stipulations between employers and employees. Nothing herein shall be construed to repeal, affect or diminish the force and effect of any statute now existing on the subject of trusts, conspiracies against trade, pools and monopolies."

"Section 3. The fact that trades unions, labor unions and other organizations, persons, and associations of persons have formed 'Trusts' and 'Conspiracies in Restraint of Trade' and thereby have used economic power to restrain free trade and commerce, contrary to the intent and purposes of the anti-trust laws of the State of Texas, while claiming exemption from the provisions of such laws, making it necessary that such statutes be amended so as to clearly prohibit all trusts and conspiracies in restraint of trade, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days be suspended, and it is hereby suspended, and this Act shall be in force and shall take effect from and after its passage, and it is so enacted."

Senator Ramsey moved to table the amendment.

Question—Shall the motion to table prevail?

Senate Resolution 86

(Presentation of Classes of Hostyn and Plum Parochial Schools)

Senator Strauss offered the following resolution:

Whereas, The Senior Classes of the Plum and Hostyn Parochial Schools of Fayette County, Texas, together with their superintendent, Rev. Edward Jansky, and their teachers, are now visitors in the City of Austin, and

Whereas, These groups are now present in the Senate Gallery as guests of the Senate, and it is the desire of the Senate to recognize their presence; now therefore, be it

Resolved, By the Senate, that its appreciation be expressed to said classes, and its best wishes be extended to them; and that a copy of this resolution, under the seal of the Senate, be forwarded to the Senior Classes of the Hostyn and Plum Parochial Schools.

The resolution was read and was adopted.

Message from the Governor

The President laid before the Senate and directed the Secretary to read the following message from the Governor:

Austin, Texas,
April 21, 1947.

To the Members of the Fiftieth Legislature:

In my first message to the Fiftieth Legislature I called attention to the imperative need for re-districting of the State to provide for equality of representation in the Legislature and to provide for an equitable distribution of the work load among the district courts.

It is a mandate of the Constitution of the State of Texas that this re-districting be carried out at designated intervals.

The fact that other Legislatures have not carried out this Constitutional mandate should not be the basis for the failure of the Fiftieth Legislature to accomplish this much needed reform.

In view of the emergency of this situation, I respectfully submit the subject of re-districting as emergency legislation under Section 5, Article III of the Constitution of the State of Texas.

Respectfully submitted,
BEAUFORD H. JESTER,
Governor of Texas.

Bills and Resolutions Signed

The President signed in the pres-

ence of the Senate, after giving due notice thereof, the following enrolled bills and resolutions:

H. B. No. 41, An Act to regulate picketing; to declare unlawful mass picketing; to define mass picketing, pickets, and picketing; to declare unlawful use of certain language in attempting to interfere with another's right to work or to enter or leave premises; to declare unlawful certain kinds of picketing; to prescribe penalties; and to provide for severability of provisions; and declaring an emergency."

H. B. No. 105, To declare it to be against the public policy of the State of Texas for any official or group of officials of the State, or of a County, City, Municipality or any other political subdivision of the State to enter into a collective bargaining agreement with any labor organization respecting the wages, hours, or conditions of employment of public employees; etc., and declaring an emergency."

H. B. No. 537, A bill to be entitled "An Act making it the duty of the State Health Officer to determine and define areas infected by foxes with rabies, authorizing the State Health Officer to pay bounties for destroying such foxes; providing for newspaper notices; making an appropriation to carry out the provisions of this Act; providing an open season on foxes in infected areas; repealing all laws and parts of laws in conflict; providing a savings clause; and declaring an emergency."

S. B. No. 123, Amending Senate Bill No. 38, Acts of the 49th Legislature, Chapter 369, page 668, and providing an appropriation covering administration and special services for special education for exceptional children as defined therein for the biennium ending August 31, 1949; and declaring an emergency."

H. C. R. No. 83, To create the Battleship Texas Commission; to provide a permanent berth for the Battleship "Texas"; to solicit and accept donations and subscriptions for such purpose; and prescribing other duties of said Commission.

H. C. R. No. 86, Granting each House permission to adjourn from

Thursday, April 17, 1947, until Monday, April 21, 1947.

S. B. No. 241, An Act to reorganize the First Judicial District of Texas to be constituted of Jasper, Newton, Sabine and San Augustine Counties and to provide for the terms thereof; and to create the 128th Judicial District of Texas to be composed of Orange County, Texas, only, and to provide for the terms thereof; and to provide that the Judge of the First Judicial District shall continue to serve in said District and period thereof; and to provide that the District Attorney of the First Judicial District now serving as such shall continue to serve in said District and the period thereof; and providing that the District Clerks of Jasper, Newton, Sabine and San Augustine Counties shall serve as the District Clerks of said First Judicial District and the period thereof; and to provide that the District Clerk of Orange County shall serve as the District Clerk of said 128th Judicial District; and providing that the County Attorney of Orange County, Texas, shall perform the duties of County and District Attorney of said 128th Judicial District and to provide his compensation therefor; and to provide for the appointment of a Judge of the 128th Judicial District and the length of his service as such; and to provide his compensation therefor; and to provide that all process and writs issued or served and recognizances, bonds and undertakings entered before this act takes effect and made returnable to the First Judicial District in Orange County shall be considered as returnable to the next succeeding term of the 128th Judicial Court and legalizing the same; and to provide that all Grand and Petit juries drawn and selected under existing laws in either Jasper, Newton, Sabine, San Augustine or Orange counties shall be considered as lawfully drawn and selected for the next ensuing term of the District Court of their respective counties and to provide that if any Court be in session in any of the said counties at the time that this Act takes effect they shall continue in session until the term thereof has expired under the provisions of existing law, but thereafter shall conform to the requirements of this Act; and providing for the jurisdiction of each of said District Courts and providing that all laws and parts of laws not conform-

ing with the provisions of this Act be and the same are hereby repealed.

Recess

On motion of Senator Aikin, the Senate, at 12:10 o'clock p. m., took recess to 2:30 o'clock p. m., today.

Afternoon Session

The Senate met at 2:30 o'clock p. m., and was called to order by the President.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
April 21, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following Bills:

H. B. No. 61, A bill to be entitled "An Act providing for the establishment of a Medical Branch of the University of Texas in San Antonio or Bexar County, Texas; authorizing and directing the Board of Regents of the University to acquire surplus Federal or other suitable properties for said Medical Branch; authorizing the Board of Regents to contract, etc.; and declaring an emergency."

H. B. No. 237, A bill to be entitled "An Act authorizing, empowering and directing the State Board of Control to purchase site for and construct at a total cost of not to exceed \$1,500,000.00, of which amount the purchase price of the site therefor shall not exceed 10%, within not more than five miles from the city limits of Dallas, Texas, State Cancer and Pellagra Hospital as defined in Chapter 185 of the General and Special Laws of the 41st Legislature, Regular Session, 1929, and the Dallas Psychopathic Hospital, as defined in Chapter 2, Article 3192, Revised Civil Statutes, 1925, and both of which shall compose the Dallas State Hospital, as created by Chapter 47, Section 1, of the General and Special Laws of the 42nd Legislature, Regular Session, 1931; and appropriating for said purpose the sum of \$1,500,000.00, and providing for the conduct and maintenance thereof; and declaring an emergency."

The House refused to concur in Senate Amendments to House Bill No. 154 and has requested the appointment of a conference committee to adjust the differences between the two Houses.

The following have been appointed on the part of the House: Suiter, South, Fertsch, Williams of Bexar, Kilgore.

Respectfully submitted,

CLARENCE JONES,
Chief Clerk, House of Representatives.

Bills and Resolution Signed

The President signed in the presence of the Senate, after giving due notice thereof, the following enrolled bills and resolution:

H. B. No. 207, A bill to be entitled "An Act to amend Subsection (b) of Section 49, House Bill No. 407, Acts of the Forty-sixth Legislature, 1939, to provide that no person shall alter, change, or erase any motor number, serial number or manufacturer's number of vehicles for the purpose of changing identification thereof and to further provide that no person shall stamp or place any motor number or serial number other than a State Highway Department assigned number on any vehicle; providing a penalty; providing a saving clause; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

H. B. No. 772, A bill to be entitled "An Act declaring open season on fox in Lee County and Burleson County, Texas, and making it lawful to kill any number of fox in Lee County and Burleson County, Texas, at all times; repealing all laws in conflict herewith; and declaring an emergency."

H. B. No. 360, Providing for a closed season in the waters of Copano Bay, Mission Bay and connecting waters west of State Highway No. 35 in Aransas County, Refugio County and San Patricio County; etc.

H. B. No. 512, A bill to be entitled "An Act amending Article 1188, Revised Civil Statutes, 1925, to permit consolidation of adjoining and contiguous cities and towns; and declaring an emergency."

H. B. No. 546, A bill to be entitled "An Act providing a closed season on

wild deer and wild turkey in Williamson County; providing penalties for a violation of this Act and declaring an emergency."

H. B. No. 575, A bill to be entitled "An Act to make it unlawful to take, hunt, trap, shoot, or kill any deer and/or wild turkey for a period of five (5) years in Roberts and Hemp-hill Counties, Texas; fixing penalties; and declaring an emergency."

H. B. No. 587, A bill to be entitled "An Act prohibiting the taking, catching, or possession of fish for sale from the Neches River in Anderson County, Texas, and prohibiting the buying or selling or offering for sale or offering to buy, or having in his or their possession for sale, or to carry, transport or ship for the purpose of sale, barter or exchange, any fish caught from the waters of the Neches River in Anderson County, Texas; providing a penalty; repealing all laws and parts of laws in conflict; and declaring an emergency."

H. B. No. 129, A bill to be entitled "An Act to amend Article 6686 of the Revised Civil Statutes of 1925, as amended by Chapter 211, Acts of the Fortieth Legislature, 1927, amended by Chapter 158, Acts of the Forty-fifth Legislature, 1937, by adding a new subsection following Section (d) to be known as Subsection '(d)-1,' to provide for the Highway Department to issue temporary license plates, for a period of thirty (30) days, to any person, firm, or corporation other than manufacturers and dealers, to drive any new vehicle from another State or County after having purchased same from a dealer in this State or from a dealer in another State or County, and to establish a fee; providing a saving clause and repealing all laws in conflict herewith."

H. B. No. 646, A bill to be entitled "An Act authorizing the use of seines and nets for taking of certain fish in the waters of Wise County, Texas, at any time during the year; providing certain regulations therefor; repealing all laws and parts of laws in conflict; and declaring an emergency."

H. B. No. 391, A bill to be entitled "An Act fixing the compensation of Official Shorthand Reporters and providing for the payment thereof in counties having a population of not

less than two hundred and twenty-five thousand (225,000) and not more than three hundred and ninety-eight thousand (398,000) according to the last preceding or any future Federal census; providing a saving clause; repealing all laws and parts of laws in conflict herewith to the extent of such conflict; and declaring an emergency."

H. B. No. 33, A bill to be entitled "An Act to amend Section 3aa, Chapter 88, Acts Second Called Session, Forty-first Legislature, 1931, as added by Section 1, Chapter 14, Acts of the Forty-second Legislature, Regular Session, 1931, to provide that license plates issued for vehicles owned or operated by any Governmental Agency that is exempt from the payment of the license fee as provided by law shall remain attached to the vehicles for which issued as long as the vehicles are owned or operated by the Governmental Agency; providing a saving clause; and repealing all laws in conflict herewith."

H. B. No. 707, A bill to be entitled "An Act amending Article 1200-a of the Revised Civil Statutes of Texas, 1925 Vernon's Edition, Acts 1939, 46th Legislature, page 92, to enable cities of over 250,000 population to establish two Corporation Courts; repealing all laws in conflict therewith; providing a saving clause; and declaring an emergency."

H. B. No. 758, A bill to be entitled "An Act amending Section 1a, of Acts, 1939, Forty-sixth Legislature, Special Laws, page 831, as amended by Acts, 1941, Forty-seventh Legislature, page 445, Chapter 281, Section 1, and Acts, 1945, Regular Session, Forty-ninth Legislature, Chapter 110, page 158, by thereto adding the Counties of Val Verde and Crockett to make it therein lawful to capture, shoot or kill collared peccary or javelina at any time; prohibiting sale of collared peccary or javelina or any part of same in said Counties; retaining Webb, Starr, Zapata, and Dimmit Counties in the provisions thereof; prescribing penalty for violation of any provision of this Act; repealing conflicting laws or parts thereof; and declaring an emergency."

H. B. No. 583, A bill to be entitled "An Act to amend House Bill No. 259, Acts 1945, Regular Session, 49th

Legislature, Chapter 175, page 231, regulating fishing in Comanche County, Texas, so as to prohibit catching or attempting to catch fish in Comanche County by the use of any net, seine, snag line or trap in the fresh waters of Comanche County; and declaring an emergency."

H. B. No. 481, A bill to be entitled "An Act to amend Sections 64 and 69 of Article 199 of the Revised Civil Statutes of Texas and all amendments thereto, by detaching Parmer County from the 69th Judicial District and attaching said County to the 64th Judicial District; providing for the terms of court in the 64th Judicial District and in the 69th Judicial District; etc., and declaring an emergency."

H. B. No. 516, A bill to be entitled "An Act creating the Jackson County Flood Control District in Jackson County, Texas, and defining its powers; designating the Commissioners' Court as the governing body of said District and defining the powers of said Court in connection therewith; providing for the filing of petitions for the issuance of bonds, notices of hearing thereon, for elections therefor, and the procedure; limiting the tax rate in support of bonds voted; etc., and declaring an emergency."

H. B. No. 224, Making it unlawful to take or kill wild deer in the County of Anderson, of Texas, for a period of five (5) years; etc.

H. B. No. 419, A bill to be entitled "An Act authorizing certain counties to sell or lease their county hospital, provided the Commissioners' Court of such county, by an order entered in the minutes, finds that it is to the best interest of the county to sell or lease such hospital; and declaring an emergency."

H. B. No. 496, A bill to be entitled "An Act providing for the transfer of title to certain lands to the State Highway Commission consisting of six separate tracts or parcels, in Denton County, necessary for the expansion and improvement of State Highway No. 24, from North Locust Street in the City of Denton easterly to the Denton-Collin County Line; and declaring an emergency."

H. B. No. 633, A bill to be entitled "An Act amending Acts 1943, Forty-eighth Legislature, page 52, Chapter

48, Section 1, providing for tattoo marks for dogs in addition to the provisions of the Act herein amended; and declaring an emergency."

H. B. No. 469, A bill to be entitled "An Act amending Article 3106, Revised Civil Statutes of Texas, 1925, to require that all county officials and district officials in counties in which such district is composed of only one county to be nominated by majority vote, unless all candidates agree otherwise; repealing all laws in conflict; and declaring an emergency."

H. B. No. 514, A bill to be entitled "An Act creating the Fayette County Flood Control District in Fayette County, Texas, and defining its powers; designating the Commissioners' Court as the governing body of said District and defining the powers of said Court in connection therewith; providing for the filing of petitions for the issuance of bonds, notices of hearing thereon, for elections therefor, and the procedure; limiting the tax rate in support of bonds voted; providing for the issuance of bonds and the manner and form thereof and the procedure in connection with the issuance, registration, approval, and sale thereof; etc., and declaring an emergency."

H. B. No. 510, A bill to be entitled "An Act creating the Colorado County Flood Control District in Colorado County, Texas, and defining its powers; designating the Commissioners' Court as the governing body of said District and defining the powers of said Court in connection therewith; providing for the filing of petitions for the issuance of bonds, notices of hearing thereon, for elections therefor, and the procedure; etc., and declaring an emergency."

H. B. No. 497, A bill to be entitled "An Act creating the Lavaca County Flood Control District in Lavaca County, Texas, and defining its powers; designating the Commissioners' Court as the governing body of said District and defining the powers of said Court in connection therewith; providing for the filing of petitions for the issuance of bonds, notices of hearing thereon, for election therefor, and the procedure; limiting the tax rate in support of bonds voted; providing for the issuance of bonds

and the manner and form thereof and the procedure in connection with the issuance, registration, approval and sale thereof, etc., and declaring an emergency."

H. B. No. 117, A bill to be entitled "An Act validating, ratifying, approving and confirming certain proceedings and bonds heretofore had or authorized by cities; providing that this Act shall not apply to any proceedings or bonds the validity of which has been contested in any pending suit or litigation and declaring an emergency."

S. B. No. 171, A bill to be entitled "An Act to amend House Bill No. 30, Chapter 4, Acts of 1933, First Called Session, 43rd Legislature as amended by House Bill No. 122, Chapter 387, Acts of 1935, First Called Session, 44th Legislature, as amended by House Bill No. 54, Chapter 510, Acts of 1936, 44th Legislature, Third Called Session, as amended by Senate Bill No. 19, Chapter 33, Acts of 1941, Regular Session of the 47th Legislature, as amended by Senate Bill No. 175, Chapter 43, Acts of 1945 Regular Session of the 49th Legislature by adding to Section 6 of said Act additional verbiage to provide that members of the Fire Department, Police Department and the Fire Alarm Operating Department of a city or town coming under the provisions of this Act, and who have been in the Armed Service of the United States during World War II, shall be entitled upon complying with the requirements of this Act to share the benefits of the Firemen and Policemen's Funds and all other benefits provided by the Policemen and Firemen's Pension Fund; providing a savings clause; and declaring an emergency."

H. B. No. 388, A bill to be entitled "An Act declaring the policy of the State relative to the Permanent School Fund and the Available Fund and insolvent school districts owing such Funds; authorizing the State Board of Education to revise, readjust, modify, refinance and refund debts due such funds by insolvent school districts; prescribing conditions under which refunding bonds may be accepted in exchange for obligations due such funds; prescribing terms and conditions of refunding bonds to be thus accepted; providing manner in which such refunding bonds

shall be authorized by such Districts; authorizing the State Treasurer to exchange bonds and obligations held by him as Custodian of said funds; enacting other provisions relating to the subject; prohibiting the release or extinguishment of any debt or obligation due and payable to either fund; providing this Act shall take precedence in event of conflict with other laws; providing severability clause; and declaring an emergency."

S. B. No. 188, A bill to be entitled "An Act creating a State Board of Plumbing Examiners; providing for State control of the licensing of Plumbers and Plumbing Inspectors; providing for a title of the Act; providing the definition of certain words, terms and phrases; providing certain exemptions and acts not restricted; fixing the number of members on the State Board of Plumbing Examiners; etc., and declaring an emergency." With amendments.

S. B. No. 303, A bill to be entitled "An Act providing that the Commissioners' Court in certain counties shall fix the compensation for the deputies, assistants and employees in all county and district offices except the district attorney; and repealing all laws in conflict herewith, as applied to counties within the provisions of this Act; and declaring an emergency."

S. C. R. No. 16, Granting Robert B. Kelly permission to bring suit against the State of Texas.

Radio Address by Governor Beauford H. Jester

On motion of Senator Phillips, and by unanimous consent, the following message delivered over Texas Quality Network and Texas State Network by Governor Jester, was ordered printed in the Journal:

April 19, 1947,
6:30 p. m.

My Fellow Texans:

In the face of tragedy, of suffering, and great sorrow, it is the natural impulse of us all to move closer to one another and—in the communion of each other's presence—to share our common sorrow.

It is with that feeling and with that sentiment that I come to talk to the people of Texas tonight—to talk with

you intimately, quietly, and from the depths of my heart—to talk with you at the very time that the people of Texas City are holding a solemn memorial service for their dead.

Mankind—created as it is in the image of God—is essentially kind and sympathetic and considerate. For all the strife and confusion and bitterness in this world, there is ample evidence that we still build our ultimate thought and action on the firm foundation of neighborliness, of good fellowship, and of love—one for another.

We are indeed our brother's keeper, and when our fellow man is in sorrow and great distress, we rally to his side, we support him, we embrace him in the everlasting arms of friendship and good will.

The State of Texas has been sorely stricken during the past few days. Hundreds of our people have lost their lives in the catastrophe at Texas City. Thousands have been injured and property damage has reached such proportions that an attempt to estimate it would be futile. This commonwealth has faced one of its saddest and most tragic hours.

We are stunned and dazed in the contemplation of our immeasurable loss.

All that sustains us is our faith in the infinite wisdom of Almighty God and the comfort which we have received from a vast outpouring of sympathy from our fellowmen everywhere.

In behalf of the State of Texas and of the people of Texas City, I have received a vast number of messages, expressions of sympathy, and offers of assistance from all over the world.

From the President of the United States of America, from the President of the Republic of France, from ambassadors of the great nations of the world, from our friends and neighbors to the South; from the Chief of Staff of the Armies of the United States; from Governors of our sister States in the American Union—from great artists and authors and men of affairs—and from the people—from people of whom I had never heard before, and who probably had never heard of me until the tragic word flashed around the world that Texas had suffered this great loss.

I have tried without success to acknowledge all of these messages. But my office is completely over-

whelmed by the number of these expressions and—with the other demands upon us in connection with the coordination of relief activities—it is quite impossible to reply as promptly as we should. We so earnestly want to tell friends everywhere how the State of Texas and the people of Texas City appreciate these expressions, how deeply touched, how profoundly moved we have been at this manifestation of the loving care of people everywhere.

I speak to you tonight to bring you the assurance of our great gratitude for the consolation of your friendship and concern.

I visited the scene of this disaster as quickly as I could get there. Within a period of hours after the terrible explosion, I spoke with the people of Texas City who had gone through this dreadful experience. As best I could, I consoled those whose loved ones were lost. I comforted those who were in suffering and in pain.

I watched the volunteers — I watched friends and strangers alike rush to the side of these stricken people. I saw the tenderness and the loving care with which mankind looked after its brothers in distress—and my faith in the inherent greatness and goodness of man was sustained and strengthened.

As Governor of the State of Texas, I thank all who have helped in this critical hour. Your recognition will doubtless be small—but your reward will be great in the eyes of God and in your own contemplation of your good deeds.

To the people of Texas City, I express the profound sympathy of your fellow-Texans, and the assurance of our tender concern in your hour of sorrow.

Texas City will rise again. The people of Texas City will carry on. It was in that spirit that they came to have one of the most important industrial centers of the world. It is in that spirit that they will rebuild; that they will re-dedicate themselves to progress and to the fine things of life. It is in that spirit that they will re-consecrate themselves to everlasting faith in the wisdom of Almighty God.

Lewis Mumford wrote some words once upon a time which I would like to recall tonight. He said:

"Counting gain or loss as one, know-

ing that gains are losses and losses are often gains: there lies a truth to take us through these hard days. In that spirit, only in that spirit, can our civilization be saved.

"Man's destiny is a great one because the essence of it is tragic. All that he builds crumbles; all that he embodies turns to dust; all that he loves most, he must one day leave behind him. That which alone endures on earth is the spirit in which he understands and meets his fate. This he passes on to his children and his comrades; only a breath indeed, but the breath of life. Death comes to all; but death comes best to those who are ready to die, so that Man may live. The Words of Jesus are ultimate in their wisdom: 'He that loseth his life shall find it.'

"That applies to individual men; it applies to nations and peoples. No smaller faith will console us for temporary defeats, sustain us in the hours of despair, or give us the strength to push through to victory."

Goodnight—and God bless you.

Conference Committee on House Bill 154

Senator Morris called for the consideration at this time of the request of the House for a conference committee to adjust the differences between the two Houses on H. B. No. 154 and moved that the request be granted.

The motion to grant the request prevailed.

Accordingly, the President announced the appointment of the following conferees on the bill on the part of the Senate: Senators, Chadick, Morris, Kelley of Hidalgo, Hardeman and Lane.

Report of Standing Committee

By unanimous consent, the following report was submitted at this time:

Austin, Texas,

April 21, 1947.

Hon. Allan Shivers, President of the Senate.

Sir: We, your Committee on Federal Relations, to whom was referred Senate Bill No. 400, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be mimeographed.

HARDEMAN, Chairman.

House Bills on First Reading

The following House bills received from the House were laid before the Senate, read first time and referred to the committees indicated:

H. B. No. 148, to Committee on Finance.

H. B. No. 250, to Committee on State Affairs.

H. B. No. 264, to Committee on Finance.

H. B. No. 407, to Committee on Education.

H. B. No. 580, to Committee on Counties and County Boundaries.

H. B. No. 627, to Committee on Counties and County Boundaries.

H. B. No. 648, to Committee on Judicial Districts.

H. B. No. 723, to Committee on Towns and City Corporations.

H. B. No. 774, to Committee on Game and Fish.

H. B. No. 775, to Committee on Public Lands and Land Office.

H. B. No. 776, to Committee on Game and Fish.

H. B. No. 787, to Committee on State Affairs.

H. B. No. 702, to Committee on Banking.

H. B. No. 551, to Committee on Public Lands and Land Office.

H. B. No. 788, to Committee on Education.

H. B. No. 747, to Committee on Education.

H. B. No. 681, to Committee on Counties and County Boundaries.

H. B. No. 472, to Committee on State Affairs.

H. B. No. 438, to Committee on Counties and County Boundaries.

H. B. No. 295, to Committee on Finance.

H. B. No. 155, to Committee on Insurance.

H. B. No. 310, to Committee on Judicial Districts.

H. B. No. 326, to Committee on Insurance.

H. B. No. 375, to Committee on Counties and County Boundaries.

H. B. No. 406, to Committee on Education.

H. B. No. 574, to Committee on State Affairs.

H. B. No. 579, to Committee on Counties and County Boundaries.

H. B. No. 581, to Committee on State Affairs.

H. B. No. 724, to Committee on Towns and City Corporations.

H. B. No. 623, to Committee on Finance.

H. B. No. 413, to Committee on Military Affairs.

H. B. No. 415, to Committee on Military Affairs.

H. B. No. 416, to Committee on Military Affairs.

H. B. No. 465, to Committee on Insurance.

H. B. No. 531, to Committee on Education.

H. B. No. 564, to Committee on Counties and County Boundaries.

H. B. No. 590, to Committee on Civil Jurisprudence.

H. B. No. 607, to Committee on Game and Fish.

H. B. No. 612, to Committee on Banking.

H. B. No. 613, to Committee on Counties and County Boundaries.

H. B. No. 618, to Committee on Towns and City Corporations.

H. B. No. 640, to Committee on Highways and Motor Traffic.

H. B. No. 654, to Committee on Counties and County Boundaries.

H. B. No. 674, to Committee on State Affairs.

H. B. No. 677, to Committee on State Affairs.

H. B. No. 683, to Committee on State Affairs.

H. B. No. 688, to Committee on Counties and County Boundaries.

H. B. No. 770, to Committee on Labor.

H. B. No. 778, to Committee on Towns and City Corporations.

H. B. No. 780, to Committee on State Affairs.

H. B. No. 794, to Committee on Towns and City Corporations.

H. B. No. 806, to Committee on Counties and County Boundaries.

H. B. No. 781, to Committee on Counties and County Boundaries.

H. B. No. 782, to Committee on Stock and Stock Raising.

H. B. No. 792, to Committee on Counties and County Boundaries.

H. B. No. 75, to Committee on Criminal Jurisprudence.

H. B. No. 237, to Committee on Finance.

H. B. No. 61, to Committee on Finance.

Senate Bill 269 on Passage to Engrossment

The Senate resumed consideration of pending business, same being Senate Bill No. 269 on its passage to engrossment, with an amendment by Senator Lane and a motion by Senator Ramsey to table the amendment, pending.

Question—Shall the motion to table prevail?

Yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—16

Aikin	Knight
Bullock	Phillips
Carney	Ramsey
Crawford	Stanford
Harris	Taylor
Hazlewood	Tynan
Kelley of Hidalgo	Strauss
Kelly of Tarrant	York

Nays—7

Brown	Morris
Hardeman	Parrish
Jones	Proffer
Lane	

Absent

Moffett

Absent-Excused

Chadick	Winfield
Mauritz	Vick

Paired

Senator Cousins (present), who would vote "nay" with Senator Weinert (absent), who would vote "yea."

Senate Bill No. 269 was passed to engrossment.

Senate Bill 269 on Third Reading

Senator Ramsey moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 269 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—22

Aikin	Knight
Brown	Morris
Bullock	Parrish
Carney	Phillips
Crawford	Proffer
Hardeman	Ramsey
Harris	Stanford
Hazlewood	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	York

Nays—1

Lane

Absent

Moffett

Absent-Excused

Chadick	Vick
Mauritz	Winfield

Paired

Senator Cousins (present), who would vote "nay" with Senator Weinert (absent), who would vote "yea."

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Leave of Absence Granted

Senator Stanford was granted leave of absence for the remainder of the afternoon on account of illness on motion of Senator Hardeman.

Message from the Governor.

The following message received from the Governor today was laid before the Senate, read and referred to the Committee on Nominations of the Governor:

Austin, Texas,
April 21, 1947.

To the Senate of the Fiftieth Legislature:

I ask the advice, consent, and confirmation of the Senate with respect to the following appointment:

To be a member of the State Board of Embalming to fill the unexpired term of Charles B. Cook, deceased, term to expire May 31, 1947:

Porter Loring of San Antonio, Bexar County.

Respectfully submitted,
BEAUFORD H. JESTER,
Governor of Texas.

Report of Conference Committee on Senate Bill 36

Senator Tynan called for consideration at this time, the report of the Conference Committee on Senate Bill No. 36, the report having been submitted on Thursday, April 17, 1947.

On motion of Senator Tynan, the report was adopted.

Senate Bill 276 on Second Reading

On motion of Senator Ramsey, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

S. B. No. 276, A bill to be entitled "An Act amending the anti-trust laws of the State of Texas by amending Article 7428 of the Revised Civil Statutes of the State of Texas by adding subdivision 3 to provide that among other acts constituting a conspiracy in restraint of trade where any two or more persons, firms, corporations or associations of persons shall agree to boycott, or enter into any agreement or understanding to refuse to transport, deliver, erect,

assemble, use or work with any goods, wares, merchandise, article or product of any other person, firm, corporation or association of persons; repealing all laws in conflict herewith, and declaring an emergency."

The bill was read second time.

Senator Ramsey offered the following amendment to the bill:

Amend Senate Bill No. 276 by striking out all above the enacting clause and inserting in lieu thereof the following:

"S. B. No. 276

A Bill

To Be Entitled

An Act amending the anti-trust laws of the State of Texas by amending Article 7428 of the Revised Civil Statutes of the State of Texas by adding subdivision 3 to provide that among other acts constituting a conspiracy in restraint of trade are those where any two or more persons, firms, corporations, or associations of persons shall agree to boycott or enter into any agreement or understanding to refuse to transport, deliver, receive, accept, erect, assemble, operate, use or work with any goods, wares, merchandise, articles or products of any other person, firm, corporation or association of persons; providing that the foregoing provisions shall not be applicable to an agreement by employees to terminate their employment or to refuse to transport, deliver, receive, accept, erect, assemble, operate, use or work with the goods, wares, merchandise, articles or products of their immediate employer unless such refusal is intended or calculated to induce, or shall have the effect of inducing, such employer to refrain from purchasing or from otherwise acquiring goods, wares, merchandise, articles or products from any person, firm, corporation or association of persons; and amending Article 5154 of the Revised Civil Statutes of the State of Texas to provide that the foregoing Article (Article 5153) shall not be held to apply to any combination or combinations, or to any act by any member of a trades union or other organization or association or to any other person, or to an agreement between two or more persons, formed or taken for the purpose of limiting the production, transportation, use or consump-

tion of labor's products or which creates a 'Trust' or 'Conspiracy in Restraint of Trade'; repealing all laws in conflict; and declaring an emergency."

The amendment was adopted.

Senatory Ramsey offered the following committee amendment to the bill:

(2)

Amend Senate Bill No. 276 by striking out all below the enacting clause and inserting in lieu thereof the following:

"Section 1. That Article 7428 of the Revised Civil Statutes of the State of Texas, 1925, be and the same is hereby amended to hereafter read as follows:

'Art 7428. Conspiracy in restraint of trade. Either or any of the following acts shall constitute a conspiracy in restraint of trade:

'1. Where any two or more persons, firms, corporations or associations of persons, who are engaged in buying or selling any article of merchandise, produce or any commodity, enter into an agreement or understanding to refuse to buy from or sell to any other person, firm, corporation or association of persons, any article of merchandise, produce or commodity.

'2. Where any two or more persons, firms, corporations or associations of persons, shall agree to boycott or threaten to refuse to buy from or sell to any person, firm, corporation or association of persons for buying from or selling to any other person, firm, corporation or association of persons.

'3. Where any two or more persons, firms, corporations or associations of persons shall agree to boycott, or enter into any agreement or understanding to refuse to transport, deliver, receive, accept, erect, assemble, use or work with any goods, wares, merchandise, article or product of any other person, firm, corporation or association of persons; provided, however, that this section shall not apply to an agreement between employees to terminate their employment, or to refuse to transport, deliver, receive, accept, erect, assemble, use or work with the goods, wares, merchandise, article or product of their immediate employer.'

"Sec. 2. That Article 5154 of the Revised Civil Statutes of the State of Texas be and the same is hereby amended to hereafter read as follows:

'Article 5154. Organizations excepted. The preceding Article shall not be held to apply to any combination or combinations, or to any act by any member of such trades union or other organization or association, or any other person, or to an agreement between two or more persons, formed or taken for the purpose of limiting the production, transportation, use or consumption of labor's products, or which creates a "Trust" or "Conspiracy in Restraint of Trade," as defined by the laws of this State. Nothing herein contained shall be held to interfere with the terms and conditions of private contract with regard to the time of service or other stipulations between employers and employees. Nothing herein shall be construed to repeal, affect or diminish the force and effect of any statute now existing on the subject of trusts, conspiracies against trade, pools and monopolies.'

"Sec. 3. That all laws and parts of laws in conflict herewith be, and they hereby are repealed.

"Sec. 4. The fact that trades unions, labor unions and other organizations, persons, and associations of persons have formed 'Trusts' and 'Conspiracies in Restraint of Trade' and thereby have used economic power to restrain free trade and commerce, contrary to the intent and purposes of the anti-trust laws of the State of Texas, while claiming exemption from the provisions of such laws, making it necessary that such statutes be amended so as to clearly prohibit all trusts and conspiracies in restraint of trade, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days be suspended, and it is hereby suspended, and this Act shall be in full force and shall take effect from and after its passage, and it is so enacted."

Senator Ramsey offered the following amendment to the committee amendment:

Amend Committee Amendment No. 2 to Senate Bill No. 276 by striking out subdivision 3 of Section 1, and inserting in lieu thereof the following subdivision 3:

"3. Where any two or more persons, firms, corporations or associations of persons shall agree to boycott, or enter into any agreement or un-

derstanding to refuse to transport, deliver, receive, accept, erect, assemble, operate, use or work with any goods, wares, merchandise, articles or products of any other person, firm, corporation or association of persons, provided, however, that this subdivision of this Article shall not be construed to apply to an agreement between employees to terminate their employment, or to refuse to transport, deliver, receive, accept, erect, assemble, operate, use or work with the goods, wares, merchandise, articles or products of their immediate employer unless such refusal is intended or calculated to induce, or shall have the effect of inducing, such employer to refrain from purchasing or from otherwise acquiring goods, wares, merchandise, articles or products from any person, firm, corporation or association of persons."

The amendment to the committee amendment was adopted.

The committee amendment, as amended, was then adopted.

Senator Lane offered the following amendment to the bill:

Amend Senate Bill No. 276 by striking out all below the enacting clause and inserting in lieu thereof the following:

"Section 1. That Article 7428 of the Penal Code of the State of Texas be and the same is hereby amended to hereafter read as follows:

"Art. 7428. Conspiracy in restraint of trade.

"Either or any of the following acts shall constitute a conspiracy in restraint of trade:

"1. Where any two or more persons, firms, corporations or associations of persons, who are engaged in buying or selling any article of merchandise, produce or any commodity, enter into an agreement or understanding to refuse to buy from or sell to any other person, firm, corporation or association of persons, any articles of merchandise, produce or commodity.

"2. Where any two or more persons, firms, corporations or associations of persons, shall agree to boycott or threaten to refuse to buy from or sell to any person, firm, corpora-

tion or association of persons for buying from or selling to any other person, firm, corporation or association of persons.

"3. Where any two or more persons, firms, corporations or associations of persons shall agree to boycott, or enter into any agreement or understanding to refuse to transport, deliver, receive, accept, erect, assemble, use or work with any goods, wares, merchandise, article or product of any other person, firm, corporation or association of persons; provided, however, that this subdivision shall not apply to an agreement between employees to terminate their employment or to refuse to transport, deliver, receive, accept, erect, assemble, use or work with the goods, wares, merchandise, article or product of their employer or the employer's parent, subsidiary or associate company.

"4. Company, when used in this Act, unless the context otherwise requires, shall mean any persons, partnership, corporation, association, joint stock company, business, trust, organized group of persons (whether incorporated or not), receiver, trustee, or other liquidating agent of any of the foregoing in his capacity as such.

"5. Parent Company, when used in this Act, shall mean any company, as defined in 4 above, which directly or indirectly owns, controls, or holds the power to vote or otherwise determine or influence policy of more than Fifty Per Cent (50%) of the outstanding voting securities or other voting ownership of the employer.

"6. Subsidiary Company, when used in this Act, unless the context otherwise requires, shall mean any company, more than Fifty Per Cent (50%) of the outstanding voting securities or other voting ownership of which are directly or indirectly owned, controlled, or held with power to vote or otherwise determine policy by such employer.

"7. Associate company, when used in this Act, unless the context otherwise requires, shall mean any company in the same holding company system with any other company where more than Fifty Per Cent (50%) of the stock of both or all companies is directly owned, controlled, or held with power to vote or otherwise determine policy by the holding company."

"Section 2. That Article 1644 of the Penal Code of the State of Texas be and the same is hereby amended to hereafter read as follows:

"Article 1644. Not to apply to combination, etc.

"The foregoing article shall not be held to apply to any combination or combinations, or to any act by any member of such trades union or other organization or association, or any other person, or to an agreement between two or more persons, formed or taken for the purpose of limiting the production, transportation, use or consumption of labor's products, or which creates a "Trust" or "Conspiracy in Restraint of Trade," as in this Chapter defined. Nothing herein contained shall be held to interfere with the terms and conditions of private contract with regard to the time of service, or other stipulations between employers and employees. Nothing herein shall be construed to repeal, affect or diminish the force and effect of any statute now existing on the subject of trusts, conspiracies against trade, pools and monopolies."

"Section 3. The fact that trades unions, labor unions and other organizations, persons, and associations of persons have formed 'Trusts' and 'Conspiracies in Restraint of Trade' and thereby have used economic power to restrain free trade and commerce, contrary to the intent and purposes of the anti-trust laws of the State of Texas, while claiming exemption from the provisions of such laws, making it necessary that such statutes be amended so as to clearly prohibit all trusts and conspiracies in restraint of trade, creates an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days be suspended, and it is hereby suspended, and this Act shall be in force and shall take effect from and after its passage, and it is so enacted."

On motion of Senator Ramsey, the amendment was tabled.

Record of Votes

Senators Morris, Jones and Cousins asked to be recorded as voting "nay" on the motion to table.

Senate Bill 276 was passed to engrossment.

Senate Bill 276 on Third Reading

Senator Ramsey moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 276 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—23

Aikin	Lane
Brown	Moffett
Bullock	Morris
Carney	Parrish
Crawford	Phillips
Hardeman	Proffer
Harris	Ramsey
Hazlewood	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	York
Knight	

Absent-Excused

Chadick	Vick
Mauritz	Winfield
Stanford	

Paired

Senator Cousins (present), who would vote "nay" with Senator Weinert (absent), who would vote "yea."

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed.

Record of Vote

Senator Cousins asked to be recorded as voting "nay" on the passage of the bill.

Senate Bill 58 on Second Reading

Senator Harris moved to suspend the regular order of business to take up Senate Bill No. 58 for consideration at this time.

The motion prevailed by the following vote:

Yeas—20

Brown	Hazlewood
Bullock	Jones
Carney	Kelley of Hidalgo
Cousins	Kelly of Tarrant
Crawford	Knight
Harris	Morris

Parrish
Phillips
Proffer
Ramsey

Strauss
Taylor
Tynan
York

Nays—4

Aikin
Hardeman

Lane
Moffett

Absent-Excused

Chadick
Mauritz
Stanford

Vick
Weinert
Winfield

The President then laid before the Senate on its second reading and passage to engrossment:

S. B. No. 58, A bill to be entitled "An Act to amend Chapter 195, page 328, Acts of the Forty-second Legislature (Article 4736a, Vernon's Civil Statutes of Texas Annotated) so as to provide that the payment by a legal reserve life insurance company of the death proceeds of a policy or annuity contract to the person last designated by the insured or annuitant as the beneficiary by an instrument in writing prior to the receipt by such company of a written adverse claim to such proceeds shall discharge the insurance company from all liability under the policy or annuity contract; and so as to provide that any payment by a legal reserve life insurance company to the insured, annuitant or other owner of any policy or annuity contract issued by it of the loan, surrender, maturity or other values thereof made in conformity with the provisions of said policy or annuity contract and during the lifetime of the insured or annuitant prior to the receipt by such company of a written adverse claim in and to said policy or annuity contract or to the loan, surrender, maturity or other value thereof shall fully discharge such company from any and all liability as to the payments so made; and making such provisions applicable to all policies and annuity contracts now in existence as well as those hereafter written; and declaring an emergency."

The bill was read second time.

Senator Harris offered the following committee amendment to the bill:

(1)

Amend S. B. No. 58 by striking out all of paragraph 1 in Section 1 of said

bill and insert in lieu thereof the following:

"1. Whenever any person shall procure the issuance of a policy or of an annuity contract on his or her life in any legal reserve life insurance company, such company shall, in the absence of the receipt by it at its home office of a written adverse claim to the proceeds of the policy or of the annuity contract becoming due on the death of the insured or of the annuitant, pay such proceeds in accordance with the terms of said policy or annuity contract, and such payment so made prior to the receipt of such written adverse claim by the insurance company shall discharge the company from all liability under the policy or annuity contract."

The committee amendment was adopted.

Senator Harris offered the following committee amendment to the bill:

(2)

Amend S. B. No. 58, line 3 of Caption, by striking out all of language following the words "so as to provide" to the first semicolon and insert in lieu thereof the following:

"...that whenever any person shall procure the issuance of a policy of insurance or of an annuity contract on his or her life in any legal reserve life insurance company, the payment by the company of the proceeds of the policy or of the annuity contract becoming due on the death of the insured or of the annuitant in accordance with its terms prior to the receipt by such company of a written adverse claim to such proceeds shall discharge the company from all liability under the policy or annuity contract";

The committee amendment was adopted.

Senator Hardeman offered the following amendment to the bill:

Amend S. B. No. 58, Sec. 1, par. 1, committee amendment No. 1, line 10 by striking out the words "at its home office" wherever it appears in the bill.

The amendment was adopted.

On motion of Senator Harris and by unanimous consent, the caption

was amended to conform with the body of the bill as amended.

Senate Bill No. 58 failed to pass to engrossment.

Senate Bill 150 on Second Reading

Senator Carney moved to suspend the regular order of business to take up Senate Bill No. 150 for consideration at this time.

The motion prevailed by the following vote:

Yeas—18

Brown	Kelly of Tarrant
Carney	Knight
Cousins	Lane
Crawford	Moffett
Hardeman	Morris
Harris	Parrish
Hazlewood	Proffer
Jones	Ramsey
Kelley of Hidalgo	Tynan

Nays—5

Aikin	Strauss
Bullock	Taylor
Phillips	

Absent

York

Absent-Excused

Chadick	Vick
Mauritz	Weinert
Stanford	Winfield

The President then laid before the Senate on its second reading and passage to engrossment:

S. B. No. 150, A bill to be entitled "An Act amending House Bill No. 17, Acts of the Regular Session of the Forty-sixth Legislature, so as to provide that such Act shall be administered by the 'Texas Real Estate Commission,' providing for the appointment of such Commission and the qualifications and tenure of the members; providing for an Administrator, defining the powers, duties and responsibilities of the Commission and the Administrator and the compensation of the Commission and the Administrator; providing for a bond by the Administrator; making provision for the transfer of records from the Secretary of State to the 'Texas Real Estate Commission'; making provisions for licenses already issued; making provision for process, notices, applications, orders and other instru-

ments issued or filed at the time this Act becomes effective; making provisions for pending suits; providing that the 'Texas Real Estate Commission' shall stand in lieu of Secretary of State and the Administrator of the Securities Division in so far as House Bill No. 17, Acts of the Regular Session of the Forty-sixth Legislature, is concerned; making certain exceptions thereto; providing a savings clause; and declaring an emergency."

The bill was read second time.

Question—Shall the bill be passed to engrossment?

Adjournment

On motion of Senator Strauss, the Senate, at 4:20 o'clock p. m., adjourned until 10:30 o'clock a. m. tomorrow.

FIFTY-FIFTH DAY

(Tuesday, April 22, 1947)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President pro tempore.

The roll was called and the following Senators were present:

Aikin	Lane
Brown	Moffett
Bullock	Morris
Carney	Parrish
Cousins	Phillips
Crawford	Proffer
Hardeman	Ramsey
Harris	Stanford
Hazlewood	Strauss
Jones	Taylor
Kelley of Hidalgo	Tynan
Kelly of Tarrant	Winfield
Knight	York

A quorum was announced present.

Reverend J. E. Chester, Chaplain, offered the invocation.

On motion of Senator Hazlewood, and by unanimous consent, the reading of the Journal of proceedings of yesterday, was dispensed with and the Journal approved.

Leaves of Absence Granted

Senator Vick was granted leave of absence for today on account of im-